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10/668,260	09/24/2003	Yasuomi Ooki	02530029AA	7772

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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,260

Applicant(s)

OOKI ET AL.

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/23/2006, 09/25/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application has been examined. Claims 1-17 are pending.

#### ***Priority***

This application claims benefits of priority from Foreign Application 339334 (JAPAN) filed November 22, 2002.

The effective date of the claims described in this application is November 22, 2002.

#### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 05/23/2006, 09/25/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6,7,8-13,16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6,7,16 recite a limitation wherein '*the communication extent of the access line connected via the gateway is compared for each location*'. The Examiner notes that there is insufficient guidance in the Applicant Specification regarding the term '*communication extent*', and that a person of ordinary skill in the networking art would not be able to ascertain the scope and bounds of said '*communication extent*'.

Claim 8-13 recites a limitation wherein '*each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location*'. The Examiner notes that there is insufficient guidance in the Applicant Specification regarding the said limitation, and that a person of ordinary skill in the networking art would not be able to ascertain the scope and bounds of said limitation. For purpose of examination the Examiner interprets this limitation as wireless LAN base stations with overlapping coverage zones, as shown in Applicant Drawings Figure 11.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz (US Publication 2003/0200439) in view of what was well-known in the networking art.

Moskowitz disclosed (re. Claim 1) an internet connection system for connecting a terminal in each of a plurality of predetermined locations to internet accessed by the terminal, wherein: each data stream source, in which a terminal in communication is provided, is discriminated, (Moskowitz-Paragraph 12, 'a generator to generate a packet watermark associated with the stream of data', Paragraph 28, 'associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses') the used communication band is recorded for each data stream source, (Moskowitz-Paragraph 15, 'establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage') and a communication fee is determined based on the used communication band recorded for each data stream source. (Moskowitz-Paragraph 15, 'debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge')

While Moskowitz substantially disclosed the claimed invention, Moskowitz did not disclose (re. Claim 1) where each location is discriminated.

While Moskowitz did not disclose (re. Claim 1) a location for each terminal, it would have been obvious to a person of ordinary skill in the networking art that the

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*'Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses'* are associated with a physical location of the terminal in the configuration database of a network management system.

Moskowitz disclosed (re. Claim 2) an internet connection system for connecting a terminal in each of as plurality of predetermined locations to internet accessed by the terminal, wherein: locations, in which terminals in communication are provided, are discriminated, (Moskowitz-Paragraph 12, *'a generator to generate a packet watermark associated with the stream of data'* ) and communication bands are dynamically distributed from locations of redundant communication bands to locations of insufficient communication bands. (Moskowitz-Paragraph 78, *'bandwidth can be re-allocated to a user in demand or may be dynamically adjusted by factoring in some excess bandwidth to serve as liquidity for estimates of potential demand'*)

Moskowitz disclosed (re. Claim 14) wherein the maximum communication speed is preset for each location, (Moskowitz-Paragraph 15, *'establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage'*, Paragraph 50, *'bandwidth affects speed'*) .

While Moskowitz substantially disclosed the claimed invention (re. Claim 14) Moskowitz did not disclose wherein the communication operation is set to a waiting

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state when the communication band sum in the location, in which the terminal is provided, exceeds the maximum communication speed and is resumed when the communication band becomes lower than the maximum communication speed.

The Examiner notes that Claim 14 is describing an operating condition that is very common to bottleneck conditions arising from the shortage of available bandwidth.

At the time of the invention it would have been well-known in the networking art that whenever the total bandwidth allocation is consumed, the communication operation is set to a wait state until additional bandwidth becomes available.

Moskowitz disclosed (re. Claim 15) wherein a user in one location uses the communication band of a user in a different location, (Moskowitz-Paragraph 89, *"any" user could buy bandwidth rights at times of low demand, and hope to sell them at a profit in times of higher demand*) and the user in the aforesaid location pays the use fee to the user in the different location. (Moskowitz-Paragraph 102, Paragraph 104)

Moskowitz disclosed (re. Claim 16) wherein a signal permitting only terminals having preliminarily registered MAC addresses is outputted, (Moskowitz-Paragraph 12, *a generator to generate a packet watermark associated with the stream of data* , Paragraph 28, *associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP*

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addresses') and the MAC addresses, the numbers of the locations, in which the terminals are provided, the total communication extents of the terminals, the ratios of the total communication extents of the terminals to the total communication speeds of all the locations, (Moskowitz-Paragraph 21, '*bandwidth credentials to enhance liquidity and derivative pricing provisioning for future estimated use of bandwidth*' ) and the distributions of the ratios are used for fee computation. (Moskowitz-Paragraph 86, '*clearinghouse functions*', '*provisioning for pricing bases on supply and demand*')

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-13, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz (US Publication 2003/0200439) in view of what was well-known in the art further in view of Van Horne (US Patent 5987430)

Moskowitz disclosed (re. Claim 3) an internet connection system, wherein: data stream source, in which terminals in communication are provided, are discriminated, (Moskowitz-Paragraph 12, '*a generator to generate a packet watermark associated with the stream of data*' , Paragraph 28, '*associated packet watermark[s] by determinations*



*of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses')* the used communication band is recorded for each data stream source, (Moskowitz-Paragraph 15, *'establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage')* and a communication fee is computed based on the used communication band recorded for each data stream source. (Moskowitz-Paragraph 15, *'debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge')*

While Moskowitz substantially disclosed the claimed invention Moskowitz did not disclose (re. Claim 3) where each location is discriminated.

While Moskowitz did not disclose (re. Claim 3) a location for each terminal, it would have been obvious to a person of ordinary skill in the networking art that the *'Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses'* representing the data stream source are associated with a physical location of the terminal in the configuration database of a network management system.

While Moskowitz substantially disclosed the claimed invention Moskowitz did not disclose (re. Claim 3) wherein at least one terminal provided in each of a plurality of predetermined locations is connected to internet via a gateway commonly used by at least two locations and an access line.

Van Horne disclosed (re. Claim 3) wherein at least one terminal provided in each of a plurality of predetermined locations is connected to internet via a gateway

commonly used by at least two locations and an access line. (Van Horne- Column 7 Lines 10-20,' *the server 110 acts as in interface between the client system 10 and the electronic communications network 310*')

Moskowitz and Van Horne are analogous art because they present concepts and practices regarding calculating billing charges for connectivity to the Internet. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Van Horne into Moskowitz. The motivation for said combination would have been to provide a less complicated system for access and billing. (Van Horne-Column 3 Lines 60-65)

Moskowitz-Van Horne disclosed (re. Claim 4) an internet connection system, wherein: at least one terminal and a gateway connected to the terminal are provided in each of a plurality of predetermined locations, the terminal being connected to internet via an access line connected to the gateway in each location; (Van Horne- Column 7 Lines 10-20,' *the server 110 acts as in interface between the client system 10 and the electronic communications network 310*')

and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12,' *a generator to generate a packet watermark associated with the stream of data*' , Paragraph 28,' *associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses*') the used communication band is recorded for each location, , (Moskowitz-Paragraph 15,' *establishing an account whereby a*

*customer is credited with a predetermined amount of bandwidth usage*) and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15, *'debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge'*)

Moskowitz-Van Horne disclosed (re. Claim 5) an internet connection system, wherein: at least one terminal and a gateway connected to the terminal are provided in each of a plurality of predetermined locations, the terminal being connected to internet via an access line connected to the gateway in each location; (Van Horne- Column 7 Lines 10-20, *'the server 110 acts as in interface between the client system 10 and the electronic communications network 310'*)

and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12, *'a generator to generate a packet watermark associated with the stream of data'* , Paragraph 28, *'associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses'*) the used communication band is recorded for each location, (Moskowitz-Paragraph 15, *'establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage'*) and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15, *'debit may be in an amount of bandwidth usage which*

*corresponds to an agreed upon transactional charge')*

Moskowitz-Van Horne disclosed (re. Claim 6) an internet connection system, wherein: at least one terminal and a gateway connected to the terminal are provided in each of a plurality of predetermined locations, the terminal being connected to internet via an access line connected to the gateway in each location; (Van Horne- Column 7 Lines 10-20, *' the server 110 acts as in interface between the client system 10 and the electronic communications network 310')*

and the communication extent of the access line connected via the gateway is compared for each location, the terminal being connected to internet via the gateway, to which a less communication extent access line is connected. (Moskowitz-Paragraph 78, *' bandwidth can be re-allocated to a user in demand or may be dynamically adjusted by factoring in some excess bandwidth to serve as liquidity for estimates of potential demand')*

Moskowitz-Van Horne disclosed (re. Claim 7) an internet connection system, wherein: at least one terminal and a gateway connected to the terminal are provided in each of a plurality of predetermined locations, the terminal being connected to internet

via an access line connected to the gateway in each location; (Van Horne- Column 7 Lines 10-20, ' *the server 110 acts as an interface between the client system 10 and the electronic communications network 310*')

the communication extent of the access line connected via the gateway is compared for each location, the terminal being connected to internet via the gateway, to which a less communication extent access line is connected; (Moskowitz-Paragraph 78, ' *bandwidth can be re-allocated to a user in demand or may be dynamically adjusted by factoring in some excess bandwidth to serve as liquidity for estimates of potential demand*')

and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12, ' *a generator to generate a packet watermark associated with the stream of data*' , Paragraph 28, ' *associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses*') the used communication band is recorded for each location, (Moskowitz-Paragraph 15, ' *establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage*') and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15, ' *debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge*')

Moskowitz-Van Horne disclosed (re. Claim 8) an internet system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN (Van Horne- Column 7 Lines 66-68, 'access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver') connected to the wireless terminal are provided in each of a plurality of predetermined locations; and the wireless terminal is connected to internet via the gateway (Van Horne- Column 7 Lines 10-20, 'the server 110 acts as in interface between the client system 10 and the electronic communications network 310') connected to the wireless LAN base station and an access line connected to the gateway.

While Moskowitz-Van Horne substantially disclosed the claimed invention Moskowitz-Van Horne did not disclose (re. Claim 8) at least one wireless terminal wireless LAN connected to the wireless LAN base station belonging to the afore-said one location is provided in a different location adjacent to the afore-said location.

With respect to limitation wherein 'each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location' the Examiner notes that there is insufficient guidance in the Applicant Specification

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regarding the said limitation, and that a person of ordinary skill in the networking art would not be able to ascertain the scope and bounds of said limitation. For purpose of examination the Examiner interprets this limitation as wireless LAN base stations with overlapping coverage zones, as shown in Applicant Drawings Figure 11.

At the time of the invention it would have been obvious to a person of ordinary skill in the networking art that where multiple wireless base stations are placed in close proximity to each other there will be an overlap in the coverage zones. Thus Moskowitz-Van Horne disclosed wherein *'each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location'*.

Moskowitz-Van Horne disclosed (re. Claim 9) an internet system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN (Van Horne- Column 7 Lines 66-68, *'access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver'*) connected to the wireless terminal are provided in each of a plurality of predetermined locations; at least one wireless terminal wireless LAN connected to the wireless LAN base station belonging to the afore-said one location is provided in a different location adjacent to the afore-said location; the wireless terminal is connected to internet via the gateway (Van Horne- Column 7 Lines 10-20, *'the server 110 acts as in interface between the client system 10 and the electronic communications network 310'*) connected to the wireless LAN base station and an access line connected to the

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gateway; and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12,' *a generator to generate a packet watermark associated with the stream of data*' , Paragraph 28,' *associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses*') the used communication band is recorded for each location, (Moskowitz-Paragraph 15,' *establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage*') and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15,' *debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge*')

Moskowitz-Van Horne disclosed (re. Claim 10) an internet connection system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN connected to the wireless terminal (Van Horne-Column 7 Lines 66-68,' *access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver*') are provided in each of a plurality of predetermined locations; each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location; the wireless LAN base stations belonging to the plurality of locations are connected to a common gateway (Van Horne- Column 7 Lines 10-20,' *the server 110 acts as in interface between the client system 10 and the electronic communications network 310*') and connected to internet via an access line connected to the gateway; and the speed of



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communication between the wireless terminal in communication and the wireless LAN base station belonging to a different location wireless LAN connected to the wireless terminal in communication, the wireless terminal being connected to internet via a wireless LAN base station of a higher measured communication speed, the gateway and the access line. (Van Horne-Column 7 Lines 40-50, *'communications interfaces 60, 150 provide a slower throughput or narrower bandwidth than that achieved by the link between the server system 110 and the ECN'*)

Moskowitz-Van Horne disclosed (re. Claim 11) an internet connection system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN connected to the wireless terminal (Van Horne-Column 7 Lines 66-68, *'access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver'*) are provided in each of a plurality of predetermined locations; each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location; the wireless LAN base stations belonging to the plurality of locations are connected to a common gateway (Van Horne- Column 7 Lines 10-20, *'the server 110 acts as in interface between the client system 10 and the electronic communications network 310'*) and connected to internet via an access line connected to the gateway; the speed of communication between the wireless terminal in communication and the wireless LAN base station belonging to a different location wireless LAN connected to the wireless terminal in communication, the wireless terminal being connected to internet via a

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wireless LAN base station of a higher measured communication speed, the gateway and the access line; (Van Horne-Column 7 Lines 40-50, *'communications interfaces 60, 150 provide a slower throughput or narrower bandwidth than that achieved by the link between the server system 110 and the ECN'*)

and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12, *'a generator to generate a packet watermark associated with the stream of data'*, Paragraph 28, *'associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses'*) the used communication band is recorded for each location, (Moskowitz-Paragraph 15, *'establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage'*) and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15, *'debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge'*)

Moskowitz-Van Horne disclosed (re. Claim 12) an internet connection system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN connected to the wireless terminal (Van Horne-Column 7 Lines 66-68, *'access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver'*) are provided in each of a plurality of predetermined locations; each wireless terminal is also wireless LAN connected to the

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wireless LAN base station in a location other than the own location; the wireless LAN base stations belonging to the plurality of locations are respectively connected to gateways gateway (Van Horne- Column 7 Lines 10-20, ' *the server 110 acts as in interface between the client system 10 and the electronic communications network 310* ') and connected to internet via an access line connected to the gateway; and the speed of communication between the wireless terminal in communication and the wireless LAN base station belonging to a different location wireless LAN connected to the wireless terminal in communication, the wireless terminal being connected to internet via a wireless LAN base station of a higher measured communication speed, the gateway and the access line. (Van Horne-Column 7 Lines 40-50, ' *communications interfaces 60, 150 provide a slower throughput or narrower bandwidth than that achieved by the link between the server system 110 and the ECN* ')

Moskowitz-Van Horne disclosed (re. Claim 13) an internet connection system, wherein: at least one wireless terminal and a wireless LAN base station wireless LAN connected to the wireless terminal (Van Horne-Column 7 Lines 66-68, ' *access port 160 is equipped with a wireless transmitter and the server 110 (more specifically interface 150) is equipped with a wireless receiver* ') are provided in each of a plurality of predetermined locations; each wireless terminal is also wireless LAN connected to the wireless LAN base station in a location other than the own location; the wireless LAN

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base stations belonging to the plurality of locations are respectively connected to gateways gateway (Van Horne- Column 7 Lines 10-20, ' *the server 110 acts as in interface between the client system 10 and the electronic communications network 310* ') and connected to internet via an access line connected to the gateway; the speed of communication between the wireless terminal in communication and the wireless LAN base station belonging to a different location wireless LAN connected to the wireless terminal in communication, the wireless terminal being connected to internet via a wireless LAN base station of a higher measured communication speed, the gateway and the access line; (Van Horne-Column 7 Lines 40-50, ' *communications interfaces 60, 150 provide a slower throughput or narrower bandwidth than that achieved by the link between the server system 110 and the ECN* ')

and locations, in which terminals in communication are provided, is discriminated, (Moskowitz-Paragraph 12, ' *a generator to generate a packet watermark associated with the stream of data* ', Paragraph 28, ' *associated packet watermark[s] by determinations of any or combinations there of the following: Ethernet IDs, port IDs, URLs, DNS addresses, IP addresses* ') the used communication band is recorded for each location, (Moskowitz-Paragraph 15, ' *establishing an account whereby a customer is credited with a predetermined amount of bandwidth usage* ') and a communication fee is computed based on the used communication band recorded for each location. (Moskowitz-Paragraph 15, ' *debit may be in an amount of bandwidth usage which corresponds to an agreed upon transactional charge* ')

While Moskowitz substantially disclosed the claimed invention Moskowitz did not disclose (re. Claim 17) wherein the locations are rooms.

Van Horne disclosed (re. Claim 17) wherein the locations are rooms.(Van Horne-Column 8 Lines 15-20)

Moskowitz and Van Horne are analogous art because they present concepts and practices regarding calculating billing charges for connectivity to the Internet. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Van Horne into Moskowitz. The motivation for said combination would have been to provide a less complicated system for access and billing. (Van Horne-Column 3 Lines 60-65)

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.


In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER